

Water Use Advisory Council (WUAC) Meeting

Tuesday, December 14, 2021

1:00 p.m.- 3:00 p.m.

Con Con Conference Room

South Atrium, Constitution Hall

Lansing, MI

and

On Teams Hosted by the Department of Environment, Great Lakes, and Energy (EGLE)

Remote Option Available Via Teams

[Click here to join the meeting](#)

Or call in (audio only)

[+1 248-509-0316,,822050619#](#) United States, Pontiac

Phone Conference ID: 822 050 619#

MINUTES

1. Welcome

Co-Chair Bryan Burroughs welcomed members and guests and shared the logistics for participation in the meeting. Burroughs then took roll call attendance of members and/or alternates and asked them to share the location they are participating from if they were not attending in person.

2. Roll Call

WUAC Members/Alternates Present at Constitution Hall:

Ben Tirrell, Michigan Farm Bureau
Bryan Burroughs, Michigan Trout Unlimited
Dave Hamilton, The Nature Conservancy Retired
Doug Needham, Michigan Aggregates Association
Megan Tinsley, Michigan Environmental Council
Teresa Seidel, EGLE

A quorum was not physically present therefore the WUAC could not take any official actions requiring a vote during this meeting.

WUAC Members/Alternates Present via Teams:

Abbey Eaton, East Lansing, MI --Department of Agriculture and Rural Development (MDARD)
Brian Eggers, Saginaw, MI --AKT Peerless
Buddy Sebastian, Duck Lake Albion, MI -- Michigan Ground Water Association
Frank Ettawageshik, Harbor Springs, MI --United Tribes of Michigan
Jason Walther, Three Rivers, MI --Michigan Agricultural Irrigators
James Clift, Deputy Director, Lansing, MI --EGLE
John Yellich, Paw Paw, MI --Michigan Geological Survey
Kelly Turner, Hartland, MI --Michigan Agricultural Irrigators
Mike Gallagher, Richland, MI --Michigan Lake Stewardship Associations
Pat Staskiewicz, Grand Haven, MI/Clyde Dugan, Bath, MI --Michigan Section American Water Works Association (MIAWWA)
Rachel Proctor, Jackson, MI --Jackson Consumers Energy
Steve Kohler, Kalamazoo, MI --Kalamazoo River Watershed Council

Tom Frazier, Cheboygan, MI --Michigan Townships Association

WUAC Members/Alternates Absent:

Charlie Scott, Michigan Golf Course Owners Association-no
Christine Alexander, EGLE
Grenetta Thomassey, Tip of the Mitt Watershed Council
Jason Geer, Michigan Chamber of Commerce
Jim Johnson-Michigan Department of Agriculture and Rural Development (MDARD)
Jim Nicholas, Oceana County, MI --Nicholas-H2O
Kyle Rorah, Ducks Unlimited
Laura Campbell, Michigan Farm Bureau
Margaret Bettenhausen, Lansing, MI --Michigan Attorney General
Rich Bowman, The Nature Conservancy
Sue Hanf, Michigan Aggregates Association
Tammy Newcomb, Michigan Department of Natural Resources (MDNR)

Non-members present:

Adam Zwickle
Andy LeBaron, EGLE
Christine Spitzley, OHM Advisors
Christopher Gothberg, EGLE
Clay Joupperi, EGLE
Dave Lusch, Michigan State University (MSU) Retired
Emily Finnell, EGLE
Grant Poole
Hannah Arnett, EGLE
James Ostrowski, EGLE
Jay Wesley, MDNR
Jeremiah Asher, MSU
Jim Milne, EGLE
Joel Henry, Golder
John Esch, EGLE
Lena Pappas, EGLE
Logan McMillan, OHM Advisors
Michael Frederick, MGWA
Nathaniel Shuff, EGLE
Ralph Haefner, USGS
Ross Helmer, EGLE
Simon Belisle, EGLE
Todd Feenstra, Tritium

3. Approval of Agenda—Roll Call Vote

Burroughs noted that due to a lack of a quorum the agenda cannot be officially approved. There were no comments and the agenda stood as presented.

4. Approval of Minutes-Roll Call Vote

Burroughs noted that without a quorum there will be no approval of the October 12, 2021. There were no comments at this time.

5. Public Comment (Three Minute Limit)

There was no public comment.

6. Legislative Update

Burroughs shared that approximately a month ago the WUAC Co-Chairs met with Legislative staff to discuss the WUAC Report recommendations, budget requests and the COVID Relief dollars. He felt it was a productive meeting of information sharing regarding goals, funding, and future plans. He noted the WUAC budget recommendations were made in anticipation of SOM budget shortfall and EGLE is now in a different financial position. Geologic mapping and monitoring, stream gauge systems were all discussed along with the opportunity for the WUAC to expand the budget request and flexibility of funding appropriation amounts and timelines.

Burroughs has recently looked at the Senate Bill 565 as it has passed the Senate. The appropriation specifically spelled out \$15 million proposed for geological mapping with and all other things grouped under the WUAC recommendations with a \$20 million investment. These proposed amounts are more than the previously asked.

Kelly Turner said legislative staff was concerned with some language in Senate Bill 565. Specifically, that this body can only make recommendations and the language does not specifically spell out how the funds would be used. The question of should more specifics be added to the language was posed. Bryan Burroughs believes the intent would be for the WUAC to make recommendations to the legislature and they would be the ones to appropriate expenditures. Turner asked if there was a way to communicate those specifics to the House Legislators if changes were to be made over the holidays? Burroughs envisions the standing report, with consensus, has items and expenditures that are ready to be worked on. If funds exceed what the WUAC has asked, the Council members will need to be proactive and reach consensus about increasing project funds or creating new projects.

Additional discussion on specified language and timing of report took place. In the Teams chat, Feenstra asked whether there was a timeline to extend the federal funds? Burroughs could not confirm but was able to conclude the legislature and executive branches are reading through the documents to understand what is asked. These funds may take three years to completely roll forward.

Dave Lusch said there is an appropriation in SB 565 for the Michigan Geological Survey (MGS) to do geological mapping and noted the WUAC recommended the same work. He questioned whether the MGS would receive the WUAC's \$20 million dollars as well as their own requested amount? John Yellich answered he does not know, but he knows that an outline was prepared about water use areas showing priority areas that need to be mapped. The \$15 million was identified for the MGS to map priority areas. Burroughs reiterated the known allocated amounts and suggests the Council infer that the legislature is trying to wholly fund all the WUAC recommendations minus the MGS recommendation. The idea may have been to separate the geological data collection needs from the remainder of the WUAC Report. Lusch then inquired if the House goes along with the \$20 million for the WUAC's recommendations, will the WUAC have an opportunity to add new recommendations to use remaining funds? Burroughs hopes this will be an option as

he believes EGLE is setting the WUAC up with a few years' worth of investment funds. Additional discussion on the timing of future WUAC Reports to coincide with budgets and funding appropriations followed.

Turner stated that she did not interpret the process the same and asked for clarification on the process and that the WUAC is there to only offer recommendations on fund spending not make the final decision. Seidel said it is true the WUAC is there to advise, however, EGLE values the Council's input and with sound data there would be no reason not to support them. The concern is that recommendations are made as a group via the established process agreed to by this body.

7. Monitoring Well Network Update

Kelly Turner presented on groundwater withdrawals in Michigan and the need to make regulatory decisions from scientific data. She said 2020 WUAC Report recommendations were structured around an anticipated State of Michigan budget deficit and asked what would the Michigan Water Withdrawal Assessment Program look like if funding was more robust? She outlined the current Michigan Water Withdrawal Assessment Program and identified what she believes to be its shortcomings. She shared a roster of organizations she is collaborating with and their proposed solution.

The proposed solution is for the State of Michigan to partner with a professional hydrogeological consulting firm(s) to create a new self-sustaining monitoring well network with shared data. The legislature will provide a one-time funding of \$25 million dollars for the installation of up to 500 monitoring wells and 3 years of data collection.

The program will ask no legacy costs to the taxpayers as there is no request to add employees or infrastructure for the department of EGLE.

The deliverables:

1. Verify the local geology
2. Directly measure the impact of the high-capacity wells
3. Demonstrate the seasonal and long-term water level trends
4. Determine the aquifer storage and hydraulic conductivity values
5. Serve as a warning system for depletion

Milne noted for the record the first two bullet points on slide 11 are misleading. Per the first bullet he stated EGLE Water Use staff did draft guidance documents for aquifer pumping tests and also aquifer reports. Those drafts were shared with the Models Committee and the WUAC. Comments were received and edits were made. There are still outstanding issues that need to be discussed between Water Use staff and the Co-Chairs of the Models Committee and then it can be taken back to Models Committee and then the full WUAC. Per the second bullet he stated this the first time he has heard allegations that SSRs are inconsistent. If there are issues, he asks for the specifics to be provided to EGLE in writing and they will be happy to discuss and respond either in a separate meeting and/or in an appropriate WUAC committee meeting.

Turner believes these allegations are not an attack on EGLE, but the tools offered need to be updated to fit current needs and there are increasing differences in requirements based on differences in geology across the state. Milne said there can be differences, but if she has specific examples, please provide them in writing to EGLE so they can respond.

Pat Staskiewicz commented that from a process standpoint anyone can present to the WUAC, but we have Committees to review this type of information and he believes it should be presented at committee level prior to coming before the WUAC. He also noted Ottawa County has received over \$1 million in grant money to do groundwater monitoring. There is an opportunity to pilot or gain information from this process. Turner noted the short window to secure this money and the WUAC may need to set aside more meeting to discuss the opportunities available. Hamilton wants to make sure efforts are coordinated. It did not go through WUAC Committee structures. He is all for more data collection but wants to make sure it is coordinated with USGS, EGLE and MGS, not an independent effort, for it to be useful long term. Turner said if that is the process it needs to apply to everyone.

LeBaron in reference to Slide 11 bullet three, wanted to clarify that any expenditure by an applicant for a site-specific review is very rare. Only rarely has an applicant invested in collecting new hydrogeological information because it was necessary to improve the determination. He recognized while this group likely realizes this, this slide could be misleading to those outside the group who do not have this understanding.

Feenstra shared his perspective through his work with Midwest Water Stewards. They have been collecting this information for a long time and it has had a big impact on the agricultural community. About 85% of large quantity withdrawals registered through the tool are for agricultural use. Bridges need to be built in trust, openness, and transparency. Working with ag producers and EGLE cooperatively is an opportunity to repeatedly collect objective data that forms basis for a healthy discussion and build trust with growers. It also provides opportunities to perform repeatable aquifer tests.

Jason Walther said the agriculture community started over a decade ago measuring what we have and what we use. Overall, the agriculture community would like to see that effort expanded and this is an expansion of this effort. Across the country, any time we have access to good data good and scientific decisions are made.

Buddy Sebastian said Turner is correct that this is a unique opportunity with a short window of time. More data is crucial and the Wellogic data is grossly inaccurate and anytime we can bring together hydrogeologists and professors together to assemble great data it will be an advantage in the future.

Ralph Haefner said he was taken aback by this proposal as he proposed something similar to the WUAC several years ago but as mentioned the financial situation was quite different. The USGS proposal was two wells per county with a goal to evaluate the water resources of the State. USGS had proposed a much smaller budget but a long-term commitment. This is the first he has heard of this network and again, is taken aback and believes there should have been some prior discussions.

Burroughs shared that as a WUAC we like to work through committees to be thorough and meticulous in our reviews. This allows for solid knowledge and understanding and to be able to confidently stand behind recommendations with legislators. In hindsight we should have created a 10-year vision as well as a tightly prioritized, fiscally conservative plan. He believes we need to do the grand visioning. This unexpected funding has created an unforeseen opportunity but it's uncomfortable. Yes, we would like to see the

funding of all the identified needs but what we proposed in report was very modest. We wanted more than that but struggled with the right ask.

Doug Needham noted that there were eighty different items in the 2014 WUAC Report that had no direction. The goal was to have the Models, Data and other Committees look at what is needed today and what should we do to plan looking forward. He agreed with Burroughs that nobody really planned on this money. He also wants to be sure it is spent but in the right way.

Dave Lusch asked that to move this topic forward that this proposal be brought to the January meeting of Data Committee. Burroughs responded that if there is support it can absolutely be discussed at that meeting.

Feenstra reviewed some of the boiler plate language that was attached to the request and that one of the advantages of the voluntary USGS network nationwide is the standardized information. Training is required to submit data. He sees this as an unusual opportunity for Michigan to catch up to other states on water data.

Hamilton said he is glad to see support for data collection. His main comment is to move forward in a coordinated manner and with discussions on data quality and where the wells should go.

8. Committee Chairs Report

A. Data Collection Committee

Burroughs reported the Committee has not met since last October's WUAC meeting and there is no real progress to mention. There are a couple work items and tasks in progress. Meetings for January, February, and March data will be scheduled soon.

B. Implementation Committee

Doug Needham reported the Committee met on October 21st. They discussed the status of funding for the 2020 WUAC Report recommendations and began discussions about ideas and recommendations for the 2022 WUAC Report.

The WUAC Implementation Strategy Committee requests the following items be dropped from the recommendations identified in the 2014 WUAC report:

- Make the WWAT registration number a required field in Wellogic (and on paper well logs) for high-capacity wells.
- Reasoning: EGLE is currently able to run Wellogic to identify pumps with capacity of over 70 gallons per min so there is no need to make this be a required field. EGLE Drinking Water and Environmental Health Division (DWEHD) does not support this recommended change as it is impossible to implement.
- The process for checking the compliance of "as built" well construction detail with WWAT and/or SSR registrations of groundwater LQWs should be automated. Discrepancies should be flagged for follow up.
- Reasoning: Not supported by EGLE DWEHD nor the Michigan Ground Water Association (MGWA). Process for checking this information is labor intensive.

(A training recommendation in the 2014 WUAC report should also be looked at. The DEQ should work with stakeholders to increase the understanding of Part 327 requirements for owners of newly constructed large capacity wells and increase compliance with the requirement to report differences between registered and “as built” well characteristics. The 2020 WUAC report includes a recommendation for continuing MGS’ trainings and other outreach for well drillers.)

It was tentatively decided to address these requests as follows:

1. At the next WUAC meeting with quorum present, vote to withdraw these recommendations.
2. Make note in 2022 report to that the WUAC has explicitly withdrawn these recommendations for the reasons stated above.

C. Models Committee

Hamilton provided the Models Committee report on half max rule that the Water Withdrawal Assessment Tool (WWAT) uses to allocate stream flow depletions between the home and adjacent water management areas. Stream flow depletions for water management areas that are not at least half of the maximum calculated stream flow depletion are ignored and not reapportioned among the water management areas that do meet the half-max rule. He noted they do not have a recommendation at this time.

The work in this area has been groundbreaking. He noted Steve Kohler has done a lot of work comparing the results of the methods presented in the papers by Zipper, et al. and the WWAT’s half-max rule on this for the same 30 test sites in Michigan. Howard Reeves has also supported this effort.

Hamilton then presented and explained the scenarios and calculations illustrated in the meeting PowerPoint. The Committee will continue its work in this area. Hamilton is happy to send additional information to anyone who is interested. Needham asked if we are underrepresenting the percentage of the watershed that is being depleted?

D. New Topics Committee

Pat Staskiewicz presented the New Topics Committee Report. There is no update as there was no meeting since the last. An upcoming meeting is scheduled for January 5th at 1 – 2 pm EST and a meeting notice will be sent out this week. Two topics will be discussed: 1) Follow up to users’ discussion that was held over a year ago and 2) EGLE staff are developing a draft document addressing draft overview of Michigan’s Water Use Program and users’ frequently asked questions. This document will hopefully be used to communicate with the public. Please email Staskiewicz if you wish to be invited to the January Committee meeting.

E. Conservation and Efficiency Committee

Turner mentioned that the Committee has continued their speaker series. Recent speakers included:

- Yvonne Lewis, Consumers Energy, Residential Programs on Water Conservation,
- James Clift, MI Healthy Climate Plan

- Jeremiah Asher, New Topics Committee, Groundwater Offset Program

Matt Yates, Resource Conservation Partners, will speak at the January 6, 2022, meeting.

Dow Fellows Project Team has submitted their draft report for internal review. The final report is due December 10. The Committee will review and discuss next steps based on report findings.

A subgroup formed to make progress toward goals of the Ag Efficiency Recommendation. The group has developed a narrative to help legislators understand the need for the request. It outlines current irrigation education and a basic needs assessment to show the gap that the recommendation would cover along with a sample position description.

The Committee is reviewing the 2021 Work Plan and Developing 2022 Annual Work Plan. They plan to meet monthly with meetings scheduled for the first Thursday at 9 am. They will also continue the speaker series to generate discussion and broaden knowledge among Committee members.

Finnell shared an update on the Joint Aquatic Sciences meeting to be held May 14-20, 2022, at the Devos Convention Center in Grand Rapids. The meeting is organized by Consortium of Aquatic Science Societies including International Association for Great Lakes Research. Finnell, OGL is the Co-Chair along with Peter Johnson, Conference of Great Lakes Governors and Premiers. The focus will be on priority research areas identified by Regional Body and Compact Council for 2022 including how to better understand which water conservation and efficiency programs will have greatest impact in preserving water resources but doing it in such a way as to protect water dependent natural resources, including aquatic species. There will also be an emphasis on engaging indigenous organizations and encouraging traditional ecological knowledge.

The Conference theme is *Rapid Changes – Collaborative Solutions*. The target audience is scientists, practitioners, policy makers, etc. The call for abstracts is due January 10, 2022, registration opens in Spring 2022. More information at <https://iasm2022.aquaticsocieties.org/> The 5 Year Science Strategy can be found at <https://www.glsregionalbody.org/science-and-research/>. Finnell asked that the call for abstracts be shared with the WUAC. The request will be included with the email containing the draft minutes from this meeting.

(Due to the extended length of the meeting Co-Chair Eggers had to leave. Co-Chair Burroughs continued in the role of meeting Chair.)

9. EGLE Update

Milne share the EGLE presentation outline and began with a Water Use Assessment Unit personnel update. Austen York will join the WUAU starting on January 10, 2022. after recently receiving his M.S, from Western Michigan University. The addition of York brings the number of Site-Specific Review (SSR) Geologists back up to four.

Milne reviewed the Compliance Numbers

Compliance Communications: 275

- After the Fact Registrations 20
- Missing Pump Information Requests 63
- Revised Registrations 108
- Installation Verification Requests 84

Violation Notices: 19

Complaints: 7

He noted compliance communications include after the fact registrations, missing pump information requests, revised registrations, and installation verification requests. Violations notices included violations notices for unregistered wells, and wells installed and/or operated differently than authorized. Complaints include water level drops and new irrigation systems which may or may not be authorized. If multiple complaints were made for the same operation, it was only counted once.

The Quarterly Metrics for October 1-December 6, 2021, were reported as follows:

- 3 Pre-screening Reviews Passed
- 1 Pre-screening Reviews Denied
- 0 Pre-screening Reviews Retracted
- 1 327 Permits Issued

Jill Van Dyke also does pre-screening reviews for new or increased public water supply Large Quantity Withdrawals (LQW) for EGLE Drinking Water & Environmental Health Division. The pre-screening reviews are like Part 327 SSRs. The pre-screening review for Pinckney was denied. Jill provided suggestions to DWEHD for additional information or withdrawal modifications.

Part 327 permits are required for new or increased LQWs > 2,000,000 gallons per day (2 MGD). One permit has been issued so far with another permit application pending at the time of this update.

Since July 9, 2021, there have been 147 Water Withdrawal Assessment Tool (WWAT) registrations and 97 SSR registrations.

Ninety-seven SSRs were authorized. Two were denied. Nine were retracted by the applicant. Another eleven were still pending when this data was queried.

The average number of days to complete an SSR was 9. Seventy-three percent of the SSRs were completed within the 10-business day statutory deadline.

Milne shared graphs showing the cumulative trend in the average number of days to complete an SSR and the cumulative trend in the percentage of SSRs completed within 10 business days.

A table showing the depleted Water Management Areas (WMA)s that are currently in Zone D was also shared. Milne noted the Greggs Brook, WMA 11745, in Allegan County, is a new addition to this list. A map showing the locations of the depleted WMAs with legend boxes providing additional details about why the WMA is depleted and the next steps that EGLE is taking to address the depletions.

10. Next Meeting Dates and Formats

Executive Committee will meet in January to discuss the 2022 meeting schedule.

11. Open Comments (Three Minute Limit)

Yellich clarified his comment was about the half max discussion. There were no other comments.

12. Motion to Adjourn

There being no further business the meeting was adjourned.